

Article 9: ADMINISTRATION

ENFORCEMENT

Section 9.0 This bylaw shall be enforced by the Building Inspector of the Town of Chilmark. The Building Inspector shall not grant a permit for the construction or alteration of any building or structure if such action would be in violation of any provision of this bylaw; nor shall any permit or license be granted for a new use of a building, structure or land if such use would be in violation of any provision of this bylaw. Any person violating any of the provisions of this bylaw may be fined not more than fifty (50) dollars for each offense. Each day that such violation continues shall constitute a separate offense.

Any person aggrieved by a violation of any portion of this bylaw or any municipal officer, board or commission, may request the Building Inspector in writing to enforce the bylaw. The inspector shall notify, in writing, the party requesting such enforcement of any action or refusal to act, and the reasons therefor, within fourteen (14) days of the receipt of such request.

BOARD of APPEALS

Section 9.1 There is hereby established a Board of Appeals consisting of five members to be appointed by the Board of Selectmen as provided by law. Members shall be appointed for five-year terms, one of whom shall be appointed each year. The board shall elect a chairman and a clerk from its membership each year. A member of the Board of Appeals may only be removed for cause by the Board of Selectmen, after written charges have been filed and a public hearing has been held. Vacancies in the Board of Appeals shall be filled in the same manner as appointments.

The Board of Selectmen may appoint up to five associate members of the Board of Appeals, and the Chairman of the Board of Appeals, or the Clerk in his absence, may designate any such associate member to sit on the board in case of absence, inability to act, or conflict of interest on the part of any member thereof, or in the event of a vacancy on the board until such vacancy is filled in the manner provided in this section. In case of the absence of the Chairman, the board shall elect a chairman pro tem.

BUILDING PERMITS

Section 9.2 No buildings shall be built or altered and no use of land or buildings requiring a permit shall be begun or changed without a permit having been issued by the Building Inspector.

APPLICATION for SPECIAL PERMIT or VARIANCE

Section 9.3 An applicant for a special permit or variance shall make written application therefor to the Board of Appeals or Planning Board, as provided in these bylaws, and shall file copies thereof with the Town Clerk and the Planning Board.

SPECIAL PERMIT or VARIANCE DATA REQUIREMENTS

Section 9.4 Each application for a special permit or for a variance shall be accompanied by such plans, survey or such other data as may be necessary in the opinion of the permit or variance granting Board to insure full conformance with this bylaw.

ADVISORY REPORT FROM PLANNING BOARD

Section 9.5 The Planning Board may make recommendations in writing to the Board of Appeals, which recommendations shall then become a part of the record of the public hearing of the case. A copy of the Planning Board's recommendations must be sent to the Board of Appeals and the applicant within twenty-one (21) days of receipt of the application by the Planning Board.

PROCEDURE FOR SPECIAL PERMIT or VARIANCE

Section 9.6 A public hearing on any application for a special permit or a variance shall be held within sixty-five (65) days after filing of an application therefor, notice of which hearing shall be given at least fourteen (14) days prior to the date thereof in accordance with the procedure specified in the Zoning Act.

TIME LIMIT on SPECIAL PERMIT or VARIANCE

Section 9.7 Any special permit granted under this bylaw shall lapse if a substantial use thereof or construction in connection therewith has not commenced within two years from the grant thereof including the time required to pursue and await the determination of any appeal thereto, except for good cause. Any variance granted under this bylaw shall lapse if the rights authorized are not exercised within two years after the grant of such variance. Any special permit or variance granted under this bylaw shall be revocable at any time by the board granting same if the holder of such permit or variance violates any provision of this bylaw.

CRITERIA FOR SPECIAL PERMIT or VARIANCE

Section 9.8 Special permits shall be issued only for uses which are in harmony with the general purpose and intent of this bylaw, as provided in Section 9 of the Zoning Act, and shall be subject to any conditions or limitations specified herein. A variance from any requirement of this bylaw shall be granted only in accordance with the criteria set forth in Section 10 of the Zoning Act.

APPEALS

Section 9.9 Any party aggrieved because of his inability to obtain a permit or enforcement action or by any decision or order of the Building Inspector or other permit granting authority in the enforcement of this bylaw may appeal to the Board of Appeals, as provided in Section 8 of the Zoning Act. Any such appeal shall be taken within thirty (30) days of the decision or order which is being appealed, by filing a notice of appeal, specifying the grounds thereof, with the Town Clerk, who shall forthwith transmit copies thereof to the Board of Appeals and to the officer or board whose decision or order is being appealed. Such officer or board shall forthwith transmit to the Board of Appeals all documents and papers constituting the record of the case in which the appeal is taken.

Any person aggrieved by a decision of the Board of Appeals, whether or not previously a party to the proceeding, or any municipal officer, board or commission, may appeal to the Superior Court for Dukes County or to the Land Court under Section 14A of Massachusetts General Laws, Chapter 240 within twenty (20) days after the decision has been filed in the office of the Town Clerk, as provided in Section 17 of the Zoning Act.